

Emergency Planning & Community Right-to-Know

Emergency Planning & Community Right-to-Know



Susan Parker
Michigan
SARA Title III
Program
DEQ
January 2007

History of the Regulation

- Comprehensive Environmental Response, Compensation and Liability Act of **1980**
 - Cleanup hazardous waste disposal sites
 - Emergency response for hazardous substances released into the environment
- CERCLA** = Superfund

2

History of the Regulation

- December 3, **1984** in Bhopal, India
- Union Carbide chemical plant
- Methyl isocyanate release
- 4,000 deaths
- 40,000 maimed & seriously injured
- Plants defoliated
- Livestock died

3

Emergency Planning & Community Right-to-Know

History of the Regulation

- **Superfund Amendments and Reauthorization Act of 1986 (SARA)**
- **SARA Title III = Emergency Planning and Community Right-to-Know Act (EPCRA)**

4

What is Right-to-Know?

- **Employee Right-to-Know**
 - Occupational Safety & Health Administration (OSHA)
 - Hazard Communication Standard (29 CFR 1910.1200)
 - Material Safety Data Sheet (MSDS)
 - www.osha.gov

PROTECTION OF THE EMPLOYEE

5

What is Right-to-Know?

- **Firefighter Right-to-Know**
 - Michigan OSHA (MIOSHA)
 - Fire Prevention Code (1941 PA 207)
 - Fire Dept Hazardous Material Emergency Planning Responsibilities (Bulletin 9)
 - www.michigan.gov/dleg

PROTECTION OF THE FIREFIGHTER

6

Emergency Planning & Community Right-to-Know

What is Right-to-Know?

➤ **Community Right-to-Know**

➤ **SARA Title III**

- **LEPCs planning responsibilities**
- **Facilities provide planning information**
- **Facilities provide hazardous chemical inventories**
- **Tier Two report**
- **www.michigan.gov/deqsara**

PROTECTION OF THE COMMUNITY

7

Emergency Planning



8

SARA Title III in Michigan (Chapter 1)

- **Federal Regulation**
- **Enforced by EPA**
- **Implemented under Executive Order from the Governor**



9

Emergency Planning & Community Right-to-Know

SARA Title III - Components

- **Emergency Planning**
 - **Sections 302 & 303**
- **Emergency Release Notification**
 - **Section 304**
- **Hazardous Chemical Inventory**
 - **Sections 311 & 312**
- **Toxic Chemical Release Inventory**
 - **Section 313**

10

SARA TITLE III - Components

- **Emergency Planning - 302 & 303**
- **Emergency Release Notification**
- **Hazardous Chemical Inventory**
- **Toxic Chemical Release Inventory**



11

Emergency Planning - 302 & 303

- Governor established State Emergency Response Commission (**SERC**)
- 17 Commissioners
- SERC established Local Emergency Planning Committees (**LEPCs**)
- 88 LEPCs in Michigan



12

Emergency Planning & Community Right-to-Know

Emergency Planning - SERC Involvement

Receive Facility Reports

- **MDEQ** Michigan SARA Title III Program

Review LEPC Plans

- **MSP** Emergency Management & Homeland Security Division (EMHSD)

13

Emergency Planning – Sect 303 - LEPC Requirements

- **LEPC** writes **Offsite HazMat Response Plans**
- Containing information about certain facilities
- Submit to SERC (MSP-EMHSD)
- Provide copies to Responders

How does the LEPC get the information they need?



14

Emergency Planning – Sect 302 - Facility Requirements (Chapter 2)

- **Extremely Hazardous Substance (EHS)** at or above the Threshold Planning Quantity (**TPQ**) (**Appendix A**)
- Submit **Emergency Planning Notification**, a **ONE TIME REPORT** within 60 days (**Pg 2-3**)
- To SERC (Michigan SARA Title III Program) and **LEPC**

15

Emergency Planning & Community Right-to-Know

SARA TITLE III – SECTION 302 EMERGENCY PLANNING NOTIFICATION	
Facility ID No. (If one has been assigned by the Michigan SARA Title III Program): 1992 Facility Name: Willie's Widgets Facility Address: 303 S. Capital City: Any Town Zip Code: 48099 County: Ingham Facility Emergency Coordinator: Joe Geller <small>(Who will participate in the local emergency planning process as a facility emergency response coordinator)</small> Emergency Coordinator Telephone: 517-555-1234 x23 Emergency Coordinator Address (if different from facility address): _____	
CHECK ONE: <input type="checkbox"/> I have determined that the above facility does not have on site an Extremely Hazardous Substance as defined by SARA Title III above the threshold planning quantity and therefore is not subject to Section 302 of the law. <input type="checkbox"/> I have determined that the above facility does have on site an Extremely Hazardous Substance as defined by SARA Title III, (chemical name(s) sulfuric acid , above the threshold planning quantity and therefore is subject to Section 302 of the law. In accordance with the law, the owner or operator of this facility shall: (1) inform the Local Emergency Planning Committee (LEPC) of any changes occurring at the facility that might be relevant to emergency planning, and (2) upon request of the LEPC, promptly provide to the LEPC any information necessary for development or implementation of the local emergency plan.	
Signature: <u><i>Joe Geller</i></u> Printed Name: Joe Geller Title: Environmental Coordinator Date: 8/14/2003	Please return to: Michigan SARA Title III Program Department of Environmental Quality P.O. Box 30407 Lansing, Michigan 48909-7957 517-373-6881 and Your LEPC
August 2003	DEQ. 16

Emergency Planning – Sect 302 - Facility Requirements

- **Designate a facility emergency coordinator** and tell the **LEPC**
- **Provide information** requested by the **LEPC** that it needs to fulfill its planning responsibilities
- **Inform the LEPC of any changes** relevant to emergency planning

Emergency Planning in Other Regulations - Facility Requirements

See Chapter 5:

- **Integrated Contingency Plans**
- **State & Federal Contacts for Help**
- **Where to submit your plan**

Emergency Planning & Community Right-to-Know

Emergency Planning in Part 5 Rules - Facility Requirements



- Provide notification to the **LEPC** that you have completed a **Pollution Incident Prevention Plan (PIPP)** or an **Integrated Contingency Plan (ICP)** containing the PIPP requirements.
- Provide a copy of the PIPP or ICP to the **LEPC** upon request (Appendix C, pg C-7)

19

Emergency Planning in Clean Air Act sect 112(r) - Facility Requirements



If the facility will **RESPOND** to a release...

- Coordinate the **Risk Management Plan** with **LEPC** Plan.
- Provide information to the **LEPC** requested for developing and implementing the **LEPC** Plan.

20

Emergency Planning in Clean Air Act sect 112(r) - Facility Requirements



If the facility will **NOT** RESPOND to a release...

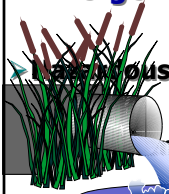
- Assure that facility with toxic chemicals is included in the **LEPC** Plan.
- Assure that facility with flammable substances has coordinated response actions with the **local fire department**.

21

Emergency Planning & Community Right-to-Know

SARA TITLE III - Components

- Emergency Planning
- Emergency Release Notification -304



- Hazardous Chemical Inventory
- Chemical Release Inventory

22

Emergency Release Notification – 304 (Chapter 6)

- ≈ 770 Hazardous Substances (CERCLA - published list)
- 355 Extremely Hazardous Substances (EHS) (SARA Title III- published list)
- "Reportable Quantity" (RQ)
- List of Lists has reportable chemicals and RQs



23

Emergency Release Notification – Facility Requirements

Immediate (**within 15 minutes**) notification to:

- LEPC
- SERC - Pollution Emergency Alerting System (PEAS)
Or MDA Hotline (Agriculture)
- U.S. Coast Guard National Response Center (NRC)



24

Emergency Planning & Community Right-to-Know

SARA TITLE III - Components

➤ Emergency Plan

➤ Emergency Release



➤ **Hazardous Chemical Inventory**
- 311 & 312

➤ Toxic Chemical Release Inventory

25

Hazardous Chemical Inventory - 311 & 312 (Chapter 3)

➤ Hazardous Chemicals = all substances for which the **OSHA Hazard Communication Standard** requires the facility to maintain **MSDSs** (Employee Right-to-Know).

➤ There is **NO LIST** of OSHA Hazardous Chemicals!

26

Hazardous Chemical Inventory - 311 & 312

➤ Thresholds for reporting:

➤ **OSHA hazardous** substances = **10,000** pounds

➤ **EHS** = **500** pounds or **TPQ** (whichever is lower)

➤ **Requests** by LEPC/Fire Dept = **zero** pounds

27

Emergency Planning & Community Right-to-Know

Hazardous Chemical Inventory - 311

- **INITIAL REPORT** within **3 months** after **threshold** reached
- Submit **MSDSs** or
- **List** of hazardous substances and associated hazards to:
 1. Michigan SARA Title III Program
 2. **LEPC**
 3. Fire Department

28

Hazardous Chemical Inventory - 312

- **ANNUAL REPORT** by **March 1st**
 - Submit **Tier Two** Emergency and Hazardous Chemical Inventory to:
 1. Michigan SARA Title III Program
 2. **LEPC**
 3. Fire Department
- Report on **PREVIOUS** full calendar year.

29

Facility Identification		Owner/Operator	
Name	WISLA, Michigan	Name	WISLA, Michigan
Address	200 S. 10th St.	Address	200 S. 10th St.
City	Ann Arbor	City	Ann Arbor
State	MI	State	MI
Zip	48106-1234	Zip	48106-1234
LEPC	Michigan (SARA)	LEPC	Michigan (SARA)
Emergency Contact (Contact Name)	Emergency Contact (Contact Name)	Emergency Contact (Contact Name)	Emergency Contact (Contact Name)
Emergency Contact (Contact Phone)	Emergency Contact (Contact Phone)	Emergency Contact (Contact Phone)	Emergency Contact (Contact Phone)
Reporting Period (From January 1 to December 31, 2005)		Reporting Period (From January 1 to December 31, 2005)	
Chemical Description	Physical and Health Hazards (check all that apply)	Inventory	Storage Codes and Locations (Non-Confidential) Chemical Locations
Chemical Name: SULFURIC ACID	<input type="checkbox"/> Flammable <input type="checkbox"/> Corrosive <input type="checkbox"/> Irritant <input type="checkbox"/> Toxic <input type="checkbox"/> Other (Specify)	Quantity: 1,000 Units: Gallons Storage Location: 1000-1000-1000	Storage Code: 1000-1000-1000 Storage Location: 1000-1000-1000
Chemical Name: SULFURIC ACID	<input type="checkbox"/> Flammable <input type="checkbox"/> Corrosive <input type="checkbox"/> Irritant <input type="checkbox"/> Toxic <input type="checkbox"/> Other (Specify)	Quantity: 1,000 Units: Gallons Storage Location: 1000-1000-1000	Storage Code: 1000-1000-1000 Storage Location: 1000-1000-1000
Certification: (Print and sign after comparing all entries) I certify under penalty of law that this person/organization and its facilities with the information submitted in pages 311 through 315, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the information submitted is true, accurate, and complete. Owner/Operator (Print name and sign after comparing all entries) _____ Date: 10 Jan 2007 Signature: _____ Date: 10 Jan 2007			

Emergency Planning & Community Right-to-Know

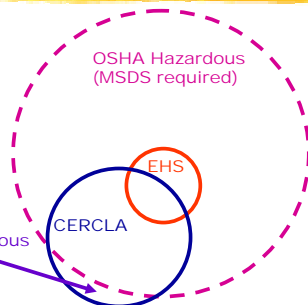
Hazardous Substances covered by SARA Title III

OSHA: Tier Two

EHS: Emergency Plan & Release Report

CERCLA: Release Report

RCRA hazardous waste



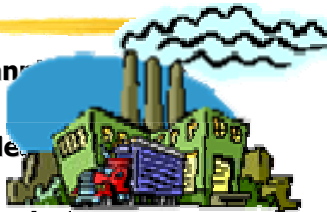
CERCLA & EHS are in the List of Lists

31

SARA TITLE III - Components

- Emergency Planning
- Emergency Release
- Hazardous Chemical Inventory
- **Toxic Chemical Release Inventory - 313**

32



Toxic Chemical Release Inventory (TRI) – 313 (Chapter 4)

- **ANNUAL REPORT by July 1ST**
- Submit **Form R** to SERC and EPA
- Toxic = ~ 650 listed chemicals
- Cumulative releases & waste transfers
- Release = allowed and accidental
- Subject facilities

33

Emergency Planning & Community Right-to-Know

All Substances covered by SARA Title III

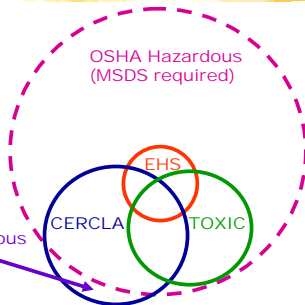
OSHA: Tier Two

EHS: Emergency Plan & Release Report

CERCLA: Release Report

TOXIC: TRI

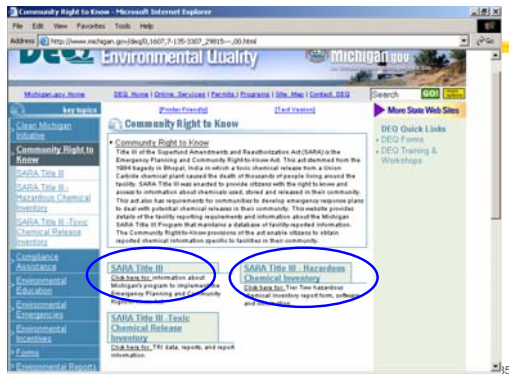
RCRA hazardous waste



CERCLA & EHS & TOXIC are in the List of Lists

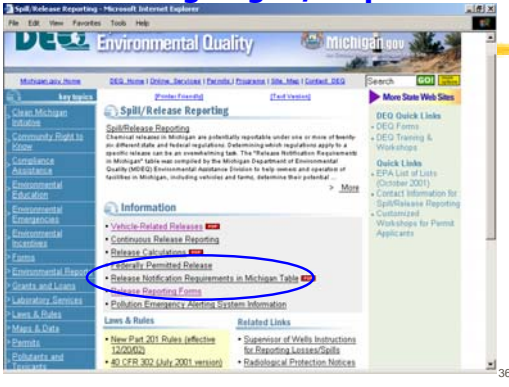
34

www.michigan.gov/deqsara



35

www.michigan.gov/deqrelease



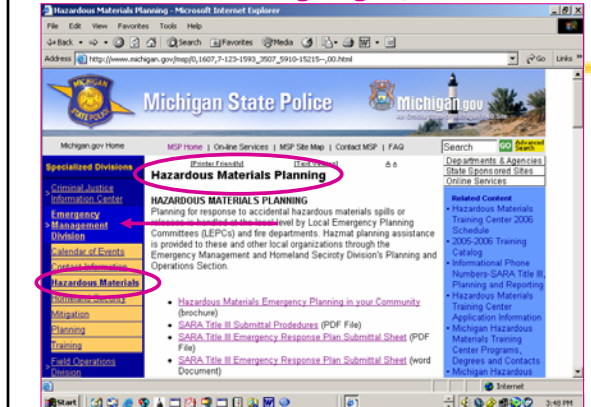
36

Emergency Planning & Community Right-to-Know

www.michigan.gov/deqemergencyplan



www.michigan.gov/emd



Michigan SARA Title III Program Staff

Program Manager: Robert Jackson

Database Manager: Tonya Schelter

TRI Reporting: Ruth Borgelt

Reporting (except TRI): Susan Parker

39

Emergency Planning & Community Right-to-Know

SARA Title III – Reporting Questions?

MICHIGAN SARA TITLE III PROGRAM

517-373-8481

deq-ead-sara@michigan.gov

www.michigan.gov/deqsara

SARA Title III – LEPC & Emergency Plan Questions?

MICHIGAN STATE POLICE EMERGENCY MANAGEMENT & HOMELAND SECURITY DIV

517-333-2749

Sandy Glazier: glaziers@michigan.gov

Jim Breuker: breukerj1@michigan.gov

www.michigan.gov/emd

Environmental Program Questions?

MDEQ ENVIRONMENTAL ASSISTANCE CENTER

800-662-9278

deq-ead-env-assist@michigan.gov

www.michigan.gov/deq
